

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80034 of 2025

Arising Out of PS. Case No.-229 Year-2025 Thana- BAIRIYA District- West Champaran

1. Sunil Kumar @ Sunil Sah S/O Suresh Sah R/O Tadhwanandpur toli, Dihi, ward no. 4, P.S.- Bairiya, District- West Champaran
2. Nitesh Kumar S/O Suresh Sah R/O Tadhwanandpur toli, Dihi, ward no. 4, P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the State : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-12-2025 Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioners and Mr. Ashok Kumar Singh, learned APP for
the State.

2. The petitioners are apprehending their arrest in connection with Bairiya P.S. Case No. 229 of 2025, F.I.R. dated 16.06.2025 registered for the offences punishable under Sections 126(2), 115(2), 308(2), 352, 118(1), 109, 76, 303(2), 351(2), 3(5) of the Bharatiya Nyay Sanhita.

3. Allegation against the petitioner namely Sunil Kumar @ Sunil Sah that he has assaulted on the head of the informant namely Harendra Sah with farsha due to which he sustained injury and allegation against Nitesh Kumar is that he



assaulted to the informant with *lathi*.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. It appears from the F.I.R. that due to previous land dispute, the present occurrence had taken place and there is case and counter case between the parties. There is specific allegation of assault attributed against co-accused person namely Suresh Sah who assaulted to the son of the informant on his leg and he has received injury which is grievous in nature and said Suresh Sah has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 08.12.2025 passed in Cr. Misc. No. 79766 of 2025 and it appears from the F.I.R that there is no specific allegation of any assault or overt act against the petitioner.

5. Learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners and submits that it appears from the F.I.R. that there is specific allegation of assault against the petitioners that co-accused Anil Kumar caught hold the informant and thereafter the petitioners have assaulted the informant and the informant has received injury but the injury report of the informant suggests that the



injury is simple in nature caused by hard and blunt substance.

6. Considering the facts and circumstances of the case and the fact that there is case and counter case between the parties and the injury inflicted upon the injured persons by the petitioners are simple in nature and co-accused person namely Suresh Sah has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 229 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the



Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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